

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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FRANK ALLEN,

Plaintiff,

v.

9:04-CV-91

NURSE COOLEY,

Defendant.

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APPEARANCES:

OF COUNSEL:

FRANK ALLEN

Plaintiff pro se

ELIOT SPITZER  
Attorney General of the  
State of New York

CHARLES J. QUACKENBUSH  
Asst. Attorney General

NORMAN A. MORDUE, CHIEF JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Gustave J. DiBianco, duly filed on the 13<sup>th</sup> day of July, 2006. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby approved.
2. In accordance with the Report-Recommendation, the plaintiff has until on or

before September 15, 2006 to file an amended complaint.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: August 16, 2006  
Syracuse, New York

  
Norman A. Mordue  
Chief United States District Court Judge

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